

Appl. No. 09/831,958
Amdt. dated April 27, 2004
Reply to Office Action of January 28, 2004

REMARKS/ARGUMENTS

I. Status of the claims

Claims 1, 4 and 7 are amended and claim 3 is canceled. Claims 1-2 and 4-20 are currently pending.

II. Support for the amendments

Support for the amendments can be found in the specification and claims as originally filed. For example, the concept of isolated lumichrome in claim 1 can be found on page 10, lines 2-5 and from page 13, line 28 through page 14, line 9 of the application. Support for engineered microorganisms can be found on, e.g., page 5, lines 8-10 of the present application. No new matter is added.

III. Rejection under 35 U.S.C. § 102

Claims 1-9, 12-14 and 17-19 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Williams or Schroth *et al.* According to the Examiner, the references do not disclose the presence of lumichrome, but do describe application of microorganisms that naturally produce lumichrome on to plants to increase plant growth. Applicants respectfully traverse the rejection.

Amended claim 1 recites applying isolated lumichrome or a microorganism engineered to produce lumichrome to a plant. As the Examiner acknowledges, neither cited reference refers to lumichrome in any way. Therefore, the cited art cannot teach or suggest applying isolated lumichrome or microorganisms engineered to produce lumichrome. Accordingly, Applicants respectfully request withdrawal of the rejection.

IV. Rejection under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103 as allegedly obvious in view of Williams or Schroth *et al.* Applicants respectfully traverse the rejection.

Appl. No. 09/831,958
Amdt. dated April 27, 2004
Reply to Office Action of January 28, 2004

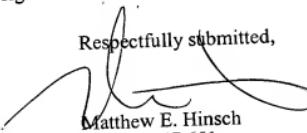
Amended claim 1 recites applying isolated lumichrome or a microorganism engineered to produce lumichrome to a plant. As the Examiner acknowledges, neither cited reference refers to lumichrome in any way. Therefore, the cited art cannot teach or suggest applying isolated lumichrome or microorganisms engineered to produce lumichrome. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Matthew E. Hinsch
Reg. No. 47,651

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
MEH:meh
60202974 v1